

## Title page, Content, etc.

権利	Copyrights 日本貿易振興機構（ジェトロ）アジア 経済研究所 / Institute of Developing Economies, Japan External Trade Organization (IDE-JETRO) <a href="http://www.ide.go.jp">http://www.ide.go.jp</a>
journal or publication title	Dispute Resolution Process in Indonesia
volume	21
year	2003
URL	<a href="http://hdl.handle.net/2344/00015011">http://hdl.handle.net/2344/00015011</a>

*IDE Asian Law Series No. 21*  
**Dispute Resolution Process in Asia (Indonesia)**

# **Dispute Resolution Process in Indonesia**

**Hikmahanto Juwana**  
Professor of Law  
Faculty of Law  
University of Indonesia

**INSTITUTE OF DEVELOPING ECONOMIES (IDE-JETRO)**

**March 2003**

**JAPAN**

## **Table of Contents**

**Preface**

**Table of Contents**

**General Introduction**

**Scope of the Study**

**Conduct of the Study**

### **Part I**

#### **Overview of the Dispute Resolution Mechanism in Indonesia**

##### **Chapter I**

##### **Dispute Resolution by the Court System**

###### **I.1 Overview of the Court System**

###### **I.1.1 Laws Governing the Court System**

###### **I.1.2 Court Structure**

- i) Jurisdiction of the Courts**
- ii) Hierarchy of the Courts**
- iii) Jurisdiction and Hierarchy Combined**

###### **I.1.3 Flow of Civil Litigation**

###### **I.2 Perception of the Parties on the Court System**

###### **I.2.1 Perception of the Indonesians**

- i) Perception of the Lower-Middle Class**
- ii) Perception of the Middle-Upper Class**

###### **I.2.2 Perception of the Expatriates**

###### **I.3 Problems Surrounding the Court System**

###### **I.4 Direction of Judicial System**

###### **I.5 Other Avenues for Seeking Resolution outside the Court**

## **Chapter II**

### **Alternative Dispute Resolution**

#### **II.1 Scope of the Term**

#### **II.2 Negotiation, Conciliation and Mediation**

##### **II.2.1 Background**

##### **II.2.2 Provisions Governing Negotiation, Mediation and Conciliation**

##### **II.2.3 ADR under the Arbitration Act**

#### **II.3 Arbitration**

##### **II.3.1 Background**

##### **II.3.2 Features of the Arbitration Act**

##### **II.3.3 Arbitration Centers**

###### **i) Arbitration with General Jurisdiction**

###### **ii) Specialized Arbitration**

##### **II.3.4 Problems Surrounding Arbitration Mechanism**

#### **II.4 Mandatory ADR**

##### **II.4.1 Background**

##### **II.4.2 Tax Court (Pengadilan Pajak)**

##### **II.4.3 Commission for Supervision of Business Competition (KPPU)**

##### **II.4.4 Labor Dispute Settlement Committees**

## **Part II**

### **Study on Dispute Resolution Process in Specific Cases**

## **Chapter III**

### **Consumer Dispute Resolution Process**

#### **III.1 Background**

#### **III.2 Nature of Dispute**

#### **III.3 Provisions on Dispute Settlement**

### **III.3.1 BPSK as Center for Consumer Dispute Settlement**

### **III.3.2 Provisions for Consumer Seeking for Relief**

- i) Categories of Plaintiff**
- ii) Out of Court Settlement**

## **III.4 Consumer Dispute Resolution in Practice**

### **III.4.1 Court Mechanism**

### **III.4.2 ADR Mechanism**

## **Chapter IV**

### **Labor Dispute Resolution Process**

#### **IV.1 Background**

#### **IV.2 Laws Governing Labor Dispute**

#### **IV.3 Nature of Disputes**

#### **IV.4 Provisions on Dispute Settlement**

##### **IV.4.1 Under the Prevailing Laws**

##### **IV.4.2 Under the Industrial Dispute Settlement Bill**

- i) Negotiation**
- ii) Mediation and Conciliation**
- iii) Arbitration**
- iv) Court**

#### **IV.5 Labor Dispute Resolution in Practice**

##### **IV.5.1 Formal Mechanism**

##### **IV.5.2 ADR Mechanism**

## **Chapter V**

### **Environmental Dispute Resolution Process**

#### **V.1 Background**

#### **V.2 Nature of Dispute**

#### **V.3 Provisions on Dispute Settlement**

## **V.4 Dispute Resolution in Practice**

### **V.4.1 Court Mechanism**

### **V.4.2 ADR Mechanism**

## **Chapter VI**

### **Summary**

### **Bibliography**

### **Appendix**

### **Unofficial Translation of Law No. 30 Year 1999**

## List of IDE Asian Law Series

- No.1 Proceedings of the Roundtable Meeting “Law, Development and Socio-Economic Changes in Asia”
- No.2 China’s Judicial System and its Reform
- No.3 Judicial System and Reforms in Asian Countries: The Case of India
- No.4 The Malaysian Legal System, Legal Practice & Legal Education
- No.5 The Philippine Judicial System
- No.6 The Judicial System in Thailand: An Outlook for a New Century
- No.7 Legal and Judicial Reforms in Vietnam
- No.8 Law and Development in Changing Indonesia
- No.9 Modernization of Laws in the Philippines
- No.10 The Indonesian Law on Contracts
- No.11 Proceedings of the Roundtable Meeting “Law, Development and Socio-Economic Changes in Asia II”
- No.12 Political Change and Legal Reform towards Democracy and Supremacy of Law in Indonesia
- No.13 Law and Newly Restored Democracies: The Philippine Experience in Restoring Political Participation and Accountability
- No.14 New Legal Frameworks towards Political and Institutional Reform under the New Constitution of Thailand
- No.15 Dispute Resolution Process in China
- No.16 Dispute Resolution Process in India
- No.17 Dispute Resolution Process in Malaysia
- No.18 Dispute Resolution Mechanism in the Philippines
- No.19 Alternative Dispute Resolution in Thailand
- No.20 Alternative Dispute Resolution in Vietnam
- No.21 Dispute Resolution Process in Indonesia
- No.22 Labour Disputes Settlement System in China: Past and Perspective
- No.23 Doing Legal Research in Asian Countries

Published by Institute of Developing Economies (IDE), JETRO  
3-2-2 Wakaba, Mihama-ku, Chiba-shi  
Chiba 261-8545, JAPAN  
FAX +81-(0)43-2999731  
Web Site: <http://www.ide.go.jp>  
e-mail: [laws@ide.go.jp](mailto:laws@ide.go.jp)